



Practitioner's Docket No. **59521 (48229)**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Hiroyuki SHIMADA**  
S.N. **10/678,994** Group No.: **1765**  
Filed: **October 3, 2003** Examiner: **Not Yet Assigned**  
For: **METHOD OF MANUFACTURING SEMICONDUCTOR DEVICE**

**Mail Stop MISSING PARTS**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**COMPLETION OF FILING REQUIREMENTS**  
**— NONPROVISIONAL APPLICATION —**

*(check and complete this item, if applicable)*

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed from the patent office on December 30, 2003.

*NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.*

- ☒ A copy of the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) is enclosed.

*NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.*

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**EXPRESS MAILING LABEL NO. EV 342620175 US**

**FACSIMILE**

- ☒ deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to the Commissioner for Patents, Mail Stop MISSING PARTS, Box 1450, Alexandria, VA 22313-1450.

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: **February 4, 2004**

Signature

*Nicole M. McKinnon*  
**Nicole M. McKinnon**

## DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of Jul. 13, 1995 (1177 O.G. 60); M.P.E.P. § 601.01(a), 6th ed., rev. 3.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

### AMENDMENT CANCELLING CLAIMS

III. ☐ Cancel claims \_\_\_\_\_ inclusive.

### TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

*NOTE: For fee processing a non-English application, complete item VI(5) below.*

*NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).*

*NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. § 1.52(d).*

### SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity  
(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on \_\_\_\_\_ (original).

### COMPLETION FEES

#### VI.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

#### 1. Filing fee

☐ original patent application  
(37 C.F.R. § 1.16(a)--\$760.00; small entity--\$380.00) \$ \_\_\_\_\_

☐ design application  
(37 C.F.R. § 1.16(f)--\$310.00; small entity--\$155.00) \$ \_\_\_\_\_

2. Fees for claims

☐ each independent claim in excess of 3  
(37 C.F.R. § 1.16(b)--\$78.00; small entity--\$39.00) \$ \_\_\_\_\_

☐ each claim in excess of 20  
(37 C.F.R. § 1.16(c)--\$18.00; small entity--\$9.00) \$ \_\_\_\_\_

☐ multiple dependent claim(s)  
(37 C.F.R. § 1.16(d)--\$260.00; small entity--\$130.00) \$ \_\_\_\_\_

3. Surcharge fees

☐ late payment of filing fee  
(37 C.F.R. § 1.16(e)--\$130.00; small entity--\$65.00) \$ \_\_\_\_\_

and/or

☒ late filing of original declaration or oath  
(37 C.F.R. § 1.16(e)--\$130.00; small entity--\$65.00) \$ 130.00

*NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.*

*NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. § 1.16(e).*

4. ☐ Petition and fee for filing by other than  
all the inventors or a person not the inventor  
(37 C.F.R. §§ 1.17(i) and 1.47--\$130.00) \$ \_\_\_\_\_

5. ☐ Fee for processing an application filed with  
a specification in a non-English language  
(37 C.F.R. §§ 1.17(k) and 1.52(d)--\$130.00) \$ \_\_\_\_\_

6. ☐ Fee for processing and retention of application  
(37 C.F.R. §§ 1.21(l) and 1.53(d)--\$130.00) \$ \_\_\_\_\_

7. ☒ Assignment (See "ASSIGNMENT COVER SHEET".) \$ 40.00

*NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as, the changes to 37 C.F.R. § 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either*

the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.

**TOTAL COMPLETION FEES**                      \$ 170.00

**EXTENSION OF TIME**

**VII.**

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request                      \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE DUE**

**VIII.**

THE TOTAL FEE DUE IS

COMPLETION FEE(S) \$ 170.00

EXTENSION FEE (IF ANY) \$ \_\_\_\_\_

TOTAL FEE DUE \$ \_\_\_\_\_

**PAYMENT OF FEES**

**IX.**

☒ Enclosed is a check in the amount of \$ 170.00.

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).*

Please change Account No. 04-1105 for any fees which may be due by this paper.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

**X.**

**WARNING:** *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

*NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).*

☐ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 04-1105.

☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

- ☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).
- ☐ 37 C.F.R. § 1.17 (application processing fees)

*NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).*

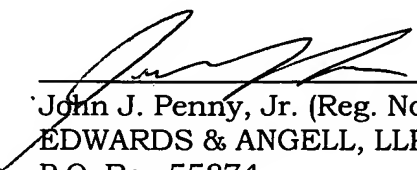
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

*NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).*

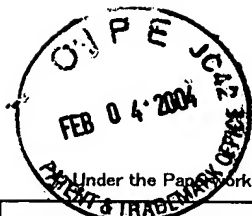
*NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

Respectfully submitted,

Date: February 4, 2004  
Customer No. 21874

  
\_\_\_\_\_  
John J. Penny, Jr. (Reg. No.: 36,984)  
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432126



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Attorney's Ref. No.: 59521(48229)

## Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

### Japanese Language Declaration

日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は、下記の私の氏名の後に記載された通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者であると（下記の名称が複数の場合）信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### 半導体装置の製造方法

#### METHOD OF MANUFACTURING SEMICONDUCTOR DEVICE

上記発明の明細書（下記の欄で×印がついていない場合は、本書に添付）は、

the specification of which is attached hereto unless the following box is checked:

☒ 2003年10月3日に提出され、米国出願番号または特許協定条約 国際出願番号を 10/678,994 とし、（該当する場合） \_\_\_\_\_ に訂正されました。

☒ was filed on October 3, 2003 as United States Application Number or PCT International Application Number 10/678,994 and was amended on \_\_\_\_\_ (if applicable).

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.



## Japanese Language Declaration

(日本語宣言書)

私は、米国法典第35編119条(a)-(d)項又は365条(b)項に基き下記の、米国以外の国の少なくとも1ヶ国を指定している特許協力条約365条(a)項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

## Prior Foreign Application(s)

外国での先行出願

<u>2002-292277</u>	<u>Japan</u>	<u>04/October/2002</u>
(Number)	(Country)	(Day/Month/Year Filed)
(番号)	(国名)	(出願年月日)
<u>2003-130757</u>	<u>Japan</u>	<u>08/May/2003</u>
(Number)	(Country)	(Day/Month/Year Filed)
(番号)	(国名)	(出願年月日)

## Priority Not Claimed

優先権主張なし

☐☐

私は、第35編米国法典119条(e)項に基いて下記の米国特許出願規定に記載された権利をここに主張いたします。

<u>(Application No.)</u>	<u>(Filing Date)</u>
(出願番号)	(出願日)

私は下記の米国法典第35編120条に基いて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条(c)に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1章56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

<u>(Application No.)</u>	<u>(Filing Date)</u>
(出願番号)	(出願日)

<u>(Application No.)</u>	<u>(Filing Date)</u>
(出願番号)	(出願日)

私は、私自身の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私が入手した情報と私の信じることに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code, Section 119 (e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365 (c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application:

<u>(Status: Patented, Pending, Abandoned)</u>
(現況：特許許可済、係属中、放棄済)

<u>(Status: Patented, Pending, Abandoned)</u>
(現況：特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

## Japanese Language Declaration

(日本語宣言書)

委任状： 私は、下記の発明者として、本出願に関する一切の手續きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。(弁護士、または代理人の氏名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

David G. Conlin (Reg. No. 27,026); George W. Neuner (Reg. No. 26,964); Linda M. Buckley (Reg. No. 31,003); Peter F. Corless (Reg. No. 33,860); John J. Penny, Jr. (Reg. No. 36,984); Cara Z. Lowen (Reg. No. 38,227); William J. Daley, Jr. (Reg. No. 35,487); Robert L. Buchanan (Reg. No. 40,927); Christine C. O'Day (Reg. No. 38,256); Lisa Swiszc Hazzard (Reg. No. 44,368); David A. Tucker (Reg. No. 27,840); George W. Hartnell, III (Reg. No. 42,639); John B. Alexander (Reg. No. 48,399); Steven M. Jensen (Reg. No. 42,693); Kathryn A. Piffat (Reg. No. 34,901); Richard J. Ross (Reg. No. 45,053); Peter J. Manso (Reg. No. 32,264); Dianne M. Rees (Reg. No. 45,281); Edward J. Adamson (Reg. No. 50,927); Peter J. Manus (Reg. No. 26,766); Howard M. Gitten (Reg. No. 32,138)

## 書類送付先:

John J. Penny, Jr. (Reg. No. 36,984)  
Dike, Bronstein, Roberts & Cushman  
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Boston, Massachusetts 02209 02205  
Customer No. 21874

## Send Correspondence to:

John J. Penny, Jr. (Reg. No. 36,984)  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
Edwards & Angell, LLP  
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Boston, Massachusetts 02209 02205  
Customer No. 21874

## 直接電話連絡先: (名前及び電話番号)

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John J. Penny, Jr. (Reg. No. 36,984)  
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## 唯一または第一発明者名

島田 浩行

## Full name of sole or first inventor

Hiroyuki SHIMADA

## 発明者の署名

島田 浩行

## 日付

2003年11月27日

## Inventor's signature

Hiroyuki Shimada

## Date

November 27, 2003

## 住所

日本国, 山梨県, 甲府市

## Residence

Kofu-shi, Yamanashi-ken, Japan

## 国籍

日本

## Citizenship

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## 私書箱

392-8502 日本国長野県諏訪市大和3丁目3番5号  
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## 第二共同発明者

## Full name of second joint inventor, if any

## 第二共同発明者の署名

## 日付

## Second inventor's signature

## Date

## 住所

日本国, \_\_\_\_\_, \_\_\_\_\_

## Residence

\_\_\_\_\_, \_\_\_\_\_, Japan

## 国籍

## Citizenship

## 私書箱

## Post Office Address

(第三以降の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for third and subsequent joint inventors.)